

September 8, 2004

TO: Washington State Board of Health Members

FROM: Carl Osaki, Board Member

RE: CONTINUANCE OF HEARING ON TRANSIENT ACCOMMODATIONS, CHAPTER 246-360 WAC

Background and Summary

RCW [70.62.240](#) requires that “The board shall adopt such rules as may be necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of the members of the public using such facilities. Such rules shall provide for adequate light, heat, ventilation, cleanliness, and sanitation and shall include provisions to assure adequate maintenance.” Transient accommodations are facilities such as hotels that offer three or more lodging units to travelers and transient guests. Transient accommodations are also mentioned in [RCW 43.20.050](#) as one of the public facilities for which the Board shall adopt “rules controlling public health related to environmental conditions.”

The State Board of Health last made significant revisions to the rules regulating transient accommodations, chapter [246-360 WAC](#), in 1994. On Dec. 17, 2001, it filed a CR-101 ([WSR 02-01-084](#)). The Department of Health (DOH) developed draft revisions and held stakeholder workshops in June 2003. The Board filed a CR-102 on June 2, 2004 ([WSR 04-12-117](#)). On July 14, the Board held a public hearing and considered adoption of the new rule. At that hearing, the Board received extensive written and oral comments from Jan Simon, executive vice president of the Washington State Hotel & Lodging Association (WSH&LA). She raised several concerns about the proposed rule (see attached letter). The Board continued the hearing to today’s meeting and directed staff to work with Ms. Simon and to identify those areas where WSH&LA’s concerns could be addressed and those where WSH&LA and DOH simply disagreed. The Board also asked DOH to consider whether there might be ways to mitigate the impacts of implementation costs.

Some of the concerns raised at the hearing and in written comments were not specific to the current rule draft. Some related to DOH’s statutory authority and some DOH has proposed to address in guidance documents or as part of its implementation plan. For concerns specific to the proposed rule language, WSH&LA, DOH and SBOH staffs were able to agree on ways to address all or nearly all of the issues (discussions were ongoing when this memo was drafted). Attached is a matrix of the comments received and recommended responses and a summary of changes that lists specific amendments to the draft rule as published in the CR-102. Most of these changes are in response to comments received from WSH&LA and others.

Recommended Board Action

Depending on testimony offered and the Board’s own discussions, the Board may choose to consider, amend if necessary, and adopt the following motion:

The Board adopts the revised Chapter 246-360 WAC as published in WSR 04-12-117 and amended as set forth in the summary of changes.

Attachments